

17:49 1 Q. Well, let me ask you, where were you when he
17:49 2 complained about breathing problems?

17:49 3 A. I was there on the porch.

17:49 4 Q. On the porch?

17:49 5 A. Yes, sir.

17:49 6 Q. So you were -- you were absolutely clear that he
17:49 7 yelled --

17:49 8 A. Yes, sir.

17:49 9 Q. -- that he was having trouble breathing?

17:49 10 A. Yes.

17:49 11 Q. What did he say exactly?

17:49 12 A. "Get off of me. I can't breathe."

17:49 13 Q. Okay. But there was never at any time -- you
17:50 14 would agree with me, won't you -- that an officer was
17:50 15 actually sitting on Mr. Ramos with his full force and
17:50 16 his full weight? Would you agree with me to that?

17:50 17 A. No.

17:50 18 Q. Okay. So there was a time when there was an
17:50 19 officer sitting, actually sitting on Mr. Ramos?

17:50 20 A. Well, not sitting, but I could tell he had all
17:50 21 the force on him.

17:50 22 Q. Okay. And is -- are we speaking here of the one
17:50 23 with the knee on him?

17:50 24 A. Yes, the one with the 300 pounds.

17:50 25 Q. The 300-pound fellow with the knee on him?

17:50 1 A. Yes, sir.

17:50 2 Q. And even though part of his weight was being
17:50 3 supported by the ground, you're telling the ladies and
17:50 4 gentlemen of the jury that his full weight was on the
17:50 5 back of Mr. Ramos?

17:50 6 A. Yes, sir.

17:50 7 Q. Okay. Was Joe able to turn his head side to
17:50 8 side?

17:50 9 A. When the officer came to put the light on him.

17:51 10 Q. Yes.

17:51 11 A. I saw him got his, you know, his head up.

17:51 12 Q. Okay.

17:51 13 A. And after that I saw that same officer put his
17:51 14 foot on his head.

17:51 15 Q. Put his foot on his head?

17:51 16 A. On top of his head, yes, sir.

17:51 17 Q. The one with the flashlight?

17:51 18 A. Yes, sir.

17:51 19 Q. Okay. And can you tell us why he did that, if
17:51 20 you know?

17:51 21 A. No. No, sir.

17:51 22 Q. And when he put it on his head, what part of his
17:51 23 head did he put it on?

17:51 24 A. On top of his ear.

17:51 25 Q. Say again.

19:08 1 MR. RAYMUNDO LOPEZ: Objection,

19:08 2 speculation.

19:08 3 A. Like if I see anything wrong?

19:08 4 Q. Yes, ma'am. Did you see anything suggesting
19:08 5 that these officers were doing anything more than simply
19:08 6 trying to do their duty to respond to the call and get
19:08 7 this situation under control out there?

19:08 8 A. Well --

19:08 9 MR. RAYMUNDO LOPEZ: Objection, same
19:08 10 objection.

19:08 11 A. -- when they were on top of him.

19:08 12 Q. When they were on top of him?

19:08 13 A. Yes.

19:08 14 Q. And are we talking now about the knee to the
19:08 15 back?

19:08 16 A. Yes, sir.

19:08 17 Q. With the knee on the ground?

19:08 18 A. Yes, sir.

19:08 19 Q. Okay. You didn't like that?

19:08 20 A. No.

19:08 21 Q. Okay. Do you know whether or not -- you know,
19:09 22 whether or not that way of trying to restrain Mr. Ramos
19:09 23 is considered proper under police procedure or not?

19:09 24 A. No, sir.

19:09 25 Q. Okay. But you didn't tell that person that was

18:08 1 Q. Joe wasn't trying to get up?

18:08 2 A. No, no, I never saw him like trying to get away
18:08 3 from them or anything.

18:08 4 Q. Okay. Let me ask you this. Am I right to say
18:08 5 that the only things that you actually saw that night
18:09 6 that were holding Joe -- and by that I mean an object,
18:09 7 I'm not talking about a person -- are the pair of
18:09 8 handcuffs on his wrists?

18:09 9 A. That I saw?

18:09 10 Q. Yes, ma'am.

18:09 11 A. Yes, sir.

18:09 12 Q. Okay. Can you tell us when he was face down
18:09 13 there on the ground and as you described where one of
18:09 14 the officers was on one side with a knee on his back --
18:09 15 first of all, let me ask you, can you tell me what part
18:09 16 of his back that knee was on?

18:09 17 A. It was -- he was laying down -- I'd say on his
18:09 18 shoulder.

18:09 19 Q. On his shoulder?

18:10 20 A. Yeah.

18:10 21 Q. Okay. So am I right to say that with one knee
18:10 22 on the ground and one knee on his shoulder, this officer
18:10 23 was holding Joe down?

18:10 24 A. Yes, sir.

18:10 25 Q. All right. And just so there is no mistake

18:10 1 about it, we're not talking about a knee to the -- to
18:10 2 his waist area on his back or his hip area, are we?
18:10 3 We're talking about a knee up in his upper body on his
18:10 4 shoulder, right?

18:10 5 A. Like only one knee?

18:10 6 Q. Yes, ma'am.

18:10 7 A. I don't remember.

18:10 8 Q. You don't remember?

18:10 9 A. Huh-uh.

18:10 10 Q. Okay. So -- and we're talking about -- are we
18:10 11 talking about the 300-pound man now --

18:10 12 A. Yes, sir.

18:10 13 Q. -- for the moment? So you don't know exactly
18:10 14 where his knee was placed on Joe?

18:10 15 A. No, sir. No.

18:11 16 Q. Do you know that, in fact, it was placed on his
18:11 17 back somewhere?

18:11 18 A. Yes, sir.

18:11 19 Q. Why do you say that if you can't tell me where
18:11 20 it was?

18:11 21 A. Like I saw him that he was kneeling down.

18:11 22 Q. Okay. Well. Kneeling down is one thing.

18:11 23 A. Yes.

18:11 24 Q. Having a knee on somebody's back somewhere is
18:11 25 another thing, right?

18:11 1 A. Yes, sir, but I --

18:11 2 Q. And you can't tell us where his knee was?

18:11 3 A. Because he was like this, so, you know, if he
18:11 4 had it, it was probably in his -- right here in this --

18:11 5 Q. Here again, I'm not talking about probably now.

18:11 6 A. Yeah. No.

18:11 7 Q. Probably --

18:11 8 A. I say it's here.

18:11 9 Q. Okay. So it wasn't his shoulder. It was
18:11 10 somewhere in his middle back?

18:11 11 A. Yes, sir.

18:11 12 Q. On the side of his back?

18:11 13 A. On the side. On the side of his back.

18:11 14 Q. Okay. And do you remember which knee the
18:11 15 officer had on the middle side of his back?

18:12 16 A. The left.

18:12 17 Q. The left knee?

18:12 18 A. Yes, sir.

18:12 19 Q. Was this officer more or less facing toward you
18:12 20 where you were standing?

18:12 21 A. Yes, sir.

18:12 22 Q. So you were able to see his face?

18:12 23 A. Yes, sir.

18:12 24 Q. And the front of his uniform?

18:12 25 A. Yes, sir.